

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

DOUGLAS BURGESS, JR.,

Plaintiff,

v.

BARBARA BRAZIEL, and SERV BANK,

Defendants.

CIVIL ACTION NO.: 4:25-cv-143

ORDER

Plaintiff submitted a Complaint, alleging Defendant Braziel committed legal malpractice and professional negligence and breached her fiduciary duty. Plaintiff also filed a Motion for Leave to Proceed *in Forma Pauperis*. Doc. 2. After reviewing Plaintiff's Motion, the Court finds Plaintiff meets the requirements set forth in 28 U.S.C. § 1915. Accordingly, the Court **GRANTS** Plaintiff leave to proceed *in forma pauperis*.

Because the Court has granted Plaintiff leave to proceed in this case *in forma pauperis* under 28 U.S.C. § 1915, service must be effected by the United States Marshal. Fed. R. Civ. P. 4(c)(3). A copy of Plaintiff's Complaint and a copy of this Order shall be served upon Defendants by the United States Marshal without prepayment of cost. In most cases, the marshal will first mail a copy of the complaint to a defendant by first-class mail and request the defendant waive formal service of summons. Fed. R. Civ. P. 4(d); Local R. 4.5. A defendant has a duty to avoid unnecessary costs of serving the summons, and any defendant who fails to comply with the request for waiver must bear the costs of personal service, unless good cause can be shown for the failure to return the waiver. Fed. R. Civ. P. 4(d). Generally, a defendant who timely returns

the waiver is not required to answer the complaint until 60 days after the date the marshal sent the request for waiver. Fed. R. Civ. P. 4(d)(3).

While this action is pending, Plaintiff **shall** immediately inform this Court of any change of address. Failure to do so will result in dismissal of this case, without prejudice.

SO ORDERED, this 26th day of June, 2025.

A handwritten signature in blue ink, appearing to read 'B. Cheesbro', is written above a horizontal line.

BENJAMIN W. CHEESBRO
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA